

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:12-cr-28-T-35TBM  
26 U.S.C. § 7203

BENJAMIN A. KELLY

INDICTMENT

~~SEALED~~

The Grand Jury charges:

COUNT ONE

During the calendar year 2006,

BENJAMIN A. KELLY,

the defendant herein, who was a resident of Tampa, Florida, in the Middle District of Florida, had and received gross income of approximately \$88,758.68, that by reason of such gross income, he was required by law, following the close of the calendar year 2006, and on or before April 17, 2007, to make an income tax return to the Director, Internal Revenue Service Center at Atlanta, Georgia, or to the person assigned to receive returns at the local office of the Internal Revenue Service, or other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service

Center, to said person assigned to receive returns at the local office of the Internal Revenue Service, or to any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

**COUNT TWO**

During the calendar year 2007,

**BENJAMIN A. KELLY,**

the defendant herein, who was a resident of Tampa, Florida, in the Middle District of Florida, had and received gross income of approximately \$76,737.55, that by reason of such gross income, he was required by law, following the close of the calendar year 2007, and on or before April 15, 2008, to make an income tax return to the Director, Internal Revenue Service Center at Atlanta, Georgia, or to the person assigned to receive returns at the local office of the Internal Revenue Service, or other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service Center, to said person assigned to receive returns at the local office of the Internal Revenue Service, or to any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

**COUNT THREE**

During the calendar year 2008,

BENJAMIN A. KELLY,

the defendant herein, who was a resident of Tampa, Florida, in the Middle District of Florida, had and received gross income of approximately \$108,037.43, that by reason of such gross income, he was required by law, following the close of the calendar year 2008, and on or before October 15, 2009, to make an income tax return to the Director, Internal Revenue Service Center at Atlanta, Georgia, or to the person assigned to receive returns at the local office of the Internal Revenue Service, or other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service Center, to said person assigned to receive returns at the local office of the Internal Revenue Service, or to any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

**COUNT FOUR**

During the calendar year 2009,

BENJAMIN A. KELLY,

the defendant herein, who was a resident of Tampa, Florida, in the Middle District of Florida, had and received gross income of approximately \$79,319.24,

that by reason of such gross income, he was required by law, following the close of the calendar year 2009, and on or before October 15, 2010, to make an income tax return to the Director, Internal Revenue Service Center at Atlanta, Georgia, or to the person assigned to receive returns at the local office of the Internal Revenue Service, or other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service Center, to said person assigned to receive returns at the local office of the Internal Revenue Service, or to any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

**COUNT FIVE**

During the calendar year 2010,


BENJAMIN A. KELLY,

the defendant herein, who was a resident of Tampa, Florida, in the Middle District of Florida, had and received gross income of approximately \$90,704.74, that by reason of such gross income, he was required by law, following the close of the calendar year 2010, and on or before April 18, 2011, to make an income tax return to the Director, Internal Revenue Service Center at Atlanta, Georgia, or to the person assigned to receive returns at the local office of the Internal Revenue Service, or other proper officer of the United States, stating specifically

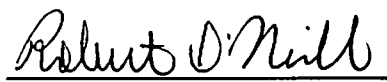
the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said Director of the Internal Revenue Service Center, to said person assigned to receive returns at the local office of the Internal Revenue Service, or to any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

A TRUE BILL,

  
Foreperson

ROBERT E. O'NEILL  
United States Attorney

By:   
Robert E. O'Neill  
United States Attorney

No.

**UNITED STATES DISTRICT COURT**

Middle District of Florida  
Tampa Division

THE UNITED STATES OF AMERICA

vs.

BENJAMIN A. KELLY

**INDICTMENT**

Violations:

26 U.S.C. § 7203

A true bill,

  
Foreperson

Filed in open court this 25th day

of January, 2012.

  
Clerk

Bail \$

2012 JAN 25 PM 5:42  
CLERK, US DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

FILED